

**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number: 05569.0004.DVUS06

In re Application of: McCafferty et al.

Application No.: 09/416,902

Filed: October 13, 1999

For: "Method For Producing Members of Specific Binding Pairs"

The owners, Medical Research Council and Cambridge Antibody Technology Limited, of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior issued patents Nos. 6,555,313; 5,885,793; 7,195,866; 6,916,605; 6,582,915; 6,544,731; 6,521,404; 5,871,907; 5,858,657; 5,837,242; as the term of each said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of each said prior patent is presently shortened by any terminal disclaimer. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and each of the said prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assignees.

In making the above disclaimer, the owners do not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any of said prior patents, "as the terms of said prior patents are presently shortened by any terminal disclaimer," in the event that any of said prior patents later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or

- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record. Reg. No. 36,107



Signature

10/23/08

Date

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Terminal disclaimer fee under 37 CFR 1.20(d) is included.